

DEC 07 2009

HP Docket No. 10003219-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:09/874,104)
Conf. No.	:6048)
Appellant	:Haines et al.)
Filed	:06/04/2001)
Title	:System And Method For Requesting Computer Resources)
TC / Art Unit	:2444)
Examiner	:Shingles, Kristie D.)
Docket No.	:10003219-1)
Customer No.	:022879)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

APPELLANTS' APPEAL BRIEF

Sir:

Appellants are appealing from the Final Rejection of claims 1, 3, 5-6, 8-11, 15, and 17-23 in an Office Action dated 07/21/2009. The Notice of Appeal was filed on 10/20/2009. Prosecution was reopened following submission of Appellants' prior Appeal Brief. The Appeal is reinstated in accordance with MPEP § 1204.01.

I. REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 11445 Compaq Center Drive West, Houston, TX 77707, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-

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Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holding, LLC.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to the real party in interest which will directly affect or be directly affected by, or have a hearing on, the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1, 3, 5-6, 8-11, 15, and 17-23 are pending. Claims 2, 4, 7, 12-14, and 16 have been previously canceled. All of claims 1, 3, 5-6, 8-11, 15, and 17-23 stand finally rejected. The Appellants appeal the final rejection of claims 1, 3, 5-6, 8-11, 15, and 17-23.

IV. STATUS OF AMENDMENTS

No response was filed after final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The summary is set forth in exemplary embodiments. Discussion of the claimed subject matter can be found at least at the locations in the specification and drawings as identified below. Nothing in section V of the Appeal Brief should be construed to limit the scope of any of the claims involved in the appeal, which are enumerated in full in the Appendix of section IX to this Appeal Brief.

Independent claims 1, 6, 15, and 21-23 are under appeal.

Independent Claim 1. Claim 1 recites a method for requesting a resource from a web

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server in which a web client, in response to receiving user input defining a URL, automatically transmits a request to a remote cookie store for a cookie that is valid for the URL; then later, the web client receives a second cookie from the web server; and, in response to receiving the second cookie, the web client transmits the second cookie to the cookie store for storage. The method of claim 1 includes:

 a web client receiving input from a user defining the URL (e.g.: transaction 302 in Fig. 3 and step 610 in Fig. 6B; Specification page 5, lines 18-19 and page 9, lines 19-21);

 in response to receiving the user input, the web client automatically transmitting a first request to a remote computer for a cookie that is valid for the URL (e.g.: transaction 304 in Fig. 3 and step 612 in Fig. 6B; Specification page 5, lines 19-23 and page 9, lines 22-24);

 then the web client receiving a first cookie from the remote computer (e.g.: transaction 306 in Fig. 3 and step 614 in Fig. 6B; Specification page 5, lines 24-30 and page 9, line 26);

 the web client transmitting both the first cookie and a request for the resource to the web server (e.g.: transaction 308 in Fig. 3 and step 618 in Fig. 6B; Specification page 5, line 32 through page 6, line 2 and page 9, lines 28-30);

 the web client receiving the resource and a second cookie from the web server (e.g. step 604 in Fig. 6A and Specification page 9, lines 12-14); and

 in response to receiving the second cookie, the web client transmitting the second cookie to the remote computer for storage (e.g. step 608 in Fig. 6A and Specification page 9, lines 15-16).

Independent Claim 6. Claim 6 is directed to a computing device (e.g., cookie store 24 in Fig. 1 and cookie store 416 in Fig. 4) that includes: means for receiving at the computing device, from a first web client, a first cookie that is valid for a first range of URL's, the first cookie provided to the first web client by a web server; means for receiving at the computing device a first request for a cookie that is valid for a first URL from a second web client different from the first web client; and means for responding to the first request by transmitting the first cookie from the computing device to the second web client if the first URL is within the first range of URL's, the second web client adapted to transmit the first

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cookie to the web server, wherein the computing device is different from the first and second web clients and the web server. E.g., cookie server 25, web server 32, and web clients 12 in Fig. 1, and processing unit 450 with memory 452 and cookie server program 454 in Fig. 4. The functional aspects of the recited means is described in the Specification, for example, at page 6, lines 20-311 for cookie server 25 in Fig. 1 and at page 11, lines 13-23 with regard to transactions 814, 818, 819, and 820 in Fig. 8 for processing unit 450 in Fig. 4.

Independent Claim 15. Claim 15 is directed to a system in which a remote cookie store receives and stores cookies from plural web clients. The system of Claim 15 includes:

first and second web clients (e.g., web clients 412 and 414 in Fig. 4); and
a computer remote from the web clients (e.g., cookie store 416 in Fig. 4);

the first and second web clients are each operable to receive a resource and a cookie from a web server and configured to automatically respond thereto by processing the resource and transmitting the cookie to the remote computer, and the first web client is operable to receive a URL from a user and is responsive thereto by transmitting a request to the remote computer for a cookie that is valid for the URL (e.g., Figs. 6A and 6B and "Operation of each web client" in the Specification at page 9, lines 9-30);

the remote computer is operable to receive a first cookie from the first web client and to then store the first cookie, receive a second cookie from the second web client and to then store the second cookie, and to receive the request from the first web client and is responsive thereto by (a) transmitting the stored first cookie to the first web client if the stored first cookie is valid for the URL and (b) transmitting the stored second cookie to the first web client if the stored second cookie is valid for the URL (e.g., Figs. 7A and 7B and "Operation of the Cookie store" in the Specification at page 10, lines 4-19).

Independent Claim 21. Claim 21 is a computer readable medium counterpart to

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method Claim 1 and recites similar limitations. Computer readable medium embodiments are provided for in the Specification at page 16, lines 7-9. Claim 21 includes programming for a web client, in response to receiving user input defining a URL, automatically transmitting a request to a remote cookie store for a cookie that is valid for the URL; then later, the web client receiving a second cookie from the web server; and, in response to receiving the second cookie, the web client transmitting the second cookie to the cookie store for storage. The computer readable medium of Claim 21 includes programming for:

 a web client receiving input from a user defining the URL (e.g.: transaction 302 in Fig. 3 and step 610 in Fig. 6B; Specification page 5, lines 18-19 and page 9, lines 19-21);

 in response to receiving the user input, the web client automatically transmitting a first request to a remote computer for a cookie that is valid for the URL (e.g.: transaction 304 in Fig. 3 and step 612 in Fig. 6B; Specification page 5, lines 19-23 and page 9, lines 22-24);

 then the web client receiving a first cookie from the remote computer (e.g.: transaction 306 in Fig. 3 and step 614 in Fig. 6B; Specification page 5, lines 24-30 and page 9, line 26);

 the web client transmitting both the first cookie and a request for the resource to the web server (e.g.: transaction 308 in Fig. 3 and step 618 in Fig. 6B; Specification page 5, line 32 through page 6, line 2 and page 9, lines 28-30);

 the web client receiving the resource and a second cookie from the web server (e.g. step 604 in Fig. 6A and Specification page 9, lines 12-14); and

 in response to receiving the second cookie, the web client transmitting the second cookie to the remote computer for storage (e.g. step 608 in Fig. 6A and Specification page 9, lines 15-16).

Independent Claim 22. Claim 22 is a computer readable medium counterpart to device Claim 6 and recites similar limitations. Computer readable medium embodiments are provided for in the Specification at page 16, lines 7-9. Claim 22 includes programming for: receiving at the computing device, from a first web client, a first cookie that is valid for a first range of URL's, the first cookie provided to the first web client by a web server; receiving at the computing device a first request for a cookie that is valid for a first URL from a second

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web client different from the first web client; and responding to the first request by transmitting the first cookie from the computing device to the second web client if the first URL is within the first range of URL's, the second web client adapted to transmit the first cookie to the web server, wherein the computing device is different from the first and second web clients and the web server. E.g., Specification page 6, lines 20-31 for cookie server 25, web server 32, and web clients 12 in Fig. 1 and page 11, lines 13-23 with regard to transactions 814, 818, 819, and 820 in Fig. 8 for processing unit 450 in Fig. 4.

Independent Claim 23. Claim 23 is a computer readable medium counterpart to system Claim 15 and recites similar limitations. Computer readable medium embodiments are provided for in the Specification at page 16, lines 7-9. Claim 23 includes programming for making:

first and second web clients operable to receive a resource and a cookie from a web server and configured to automatically respond thereto by processing the resource and transmitting the cookie to the remote computer, and the first web client operable to receive a URL from a user and is responsive thereto by first transmitting a request to the remote computer for a cookie that is valid for the URL (e.g., Figs. 6A and 6B and "Operation of each web client" in the Specification at page 9, lines 9-30); and

a remote computer operable to receive a first cookie from the first web client and to then store the first cookie, receive a second cookie from the second web client and to then store the second cookie, and to receive the request from the first web client and is responsive thereto by (a) transmitting the stored first cookie to the first web client if the stored first cookie is valid for the URL and (b) transmitting the stored second cookie to the first web client if the stored second cookie is valid for the URL (e.g., Figs. 7A and 7B and "Operation of the Cookie store" in the Specification at page 10, lines 4-19).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 3, 5, and 21 have been rejected under 35 USC §103(a), as being

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unpatentable over U.S. patent 6,934,736 to Sears, Jr. et al. ("Sears") in view of U.S. patent 7,058,600 to Combar et al. ("Combar").

Claims 6, 8-11, and 22 have been rejected under 35 USC §103(a), as being unpatentable over U.S. patent 6,539,424 to Dutta ("Dutta") in view of U.S. patent 6,748,420 to Quatrano et al. ("Quatrano").

Claims 15, 17, and 23 have been rejected under 35 USC §103(a), as being unpatentable over U.S. patent 6,748,420 to Quatrano et al. ("Quatrano") in view of U.S. patent 7,058,600 to Combar et al. ("Combar").

Claims 18-20 have been rejected under 35 USC §103 (a), as being unpatentable over U.S. patent 6,748,420 to Quatrano et al. ("Quatrano") in view of U.S. patent 7,058,600 to Combar et al. ("Combar"), and further in view of U.S. patent 6,813,039 to Silverbrook et al. ("Silverbrook").

Claims 1, 3, 5, and 21 stand or fall together.

Claims 6, 8-11, and 22 stand or fall together.

Claims 15, 17, and 23 stand or fall together.

Claims 18-20 stand or fall together.

VII. ARGUMENT

A. Claims 1, 3, 5, and 21 were improperly rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. patent 6,934,736 to Sears, Jr. et al. ("Sears") in view of U.S. patent 7,058,600 to Combar et al. ("Combar").

As to a rejection under §103(a), the U.S. Patent and Trademark Office ("USPTO") has the burden under §103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988)*. The Manual of Patent Examining Procedure

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(MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

More recently, the Supreme Court, quoting *In Re Kahn*, 441 F.3d, 977, 988 (CA Fed. 2006), has clarified that “[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness” *Teleflex Inc. v. KSR Int'l Co.*, 82 USPQ2d 1385, 1396 (S.Ct. 2007).

Appellants contend that claims 1, 3, 5, and 21 were improperly rejected because (1) the applied references, alone or in combination, do not teach or suggest all of Appellants' claim limitations; and (2) there is no articulated reason with some rational underpinning to modify or combine reference teachings. Such could be possible only in hindsight and in light of Appellants' teachings.

1. The cited references, alone or in combination, do not teach or suggest all the limitations of Appellants' independent claim 1 in that the limitations of a web client transmitting a second cookie received from a web server to a remote computer for storage are absent from the references.

Independent claim 1 recites:

“1. (Previously presented) A method of requesting a resource having a URL from a web server, comprising:
a web client receiving input from a user defining the URL;
in response to receiving the user input, the web client automatically transmitting a first request to a remote computer for a cookie that is valid for the URL; then
the web client receiving a first cookie from the remote computer;
the web client transmitting both the first cookie and a request for the resource to the

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web server;

the web client receiving the resource and a second cookie from the web server; and in response to receiving the second cookie, the web client transmitting the second cookie to the remote computer for storage." (emphasis added)

With regard to the limitations of the web client receiving the resource and a second cookie from the web server, and the web client transmitting the second cookie to the remote computer for storage, the Office admits the Sears reference does not teach this, but states that the Combar reference teaches "that the client includes the cookie in the request for content to the server and transmitting the newly generated, unique cookie to a web server, dispatch server or separate cookie jar server for storage" (Final Office Action, p.5). Appellants disagree.

As a preliminary matter, the Examiner does not identify which elements of the Combar reference allegedly correspond to at least three separate elements recited in claim 1: the web client, the web server, and the remote computer. Nor does the Examiner identify which elements of the Combar reference allegedly correspond to the first and second cookies recited claim 1. This lack of specificity makes it difficult for Appellants to know precisely how to respond. 37 CFR §1.104(c)(2) requires that the features in the references that allegedly correspond to the limitations of the claims be pointed out with specificity. This section states that "when a reference is complex or shows or describes other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable". Appellants requested clarification of the rejection with respect to the specific elements of the Combar reference pursuant to 37 CFR §1.104(c)(2) in the previous Office Action response filed on 04/03/2009, but the Examiner failed to provide the requested identification in the Final Office Action from which this Appeal is taken.

In the absence of an identification by the Examiner, Appellants consider client browser 20 of the Combar reference to correspond to the web client of claim 1; a web server 24 of the Combar reference to correspond to the web server of claim 1; and either dispatch server 26 or cookie jar server 28 of the Combar reference to correspond to the remote computer of claim 1. Based upon this understanding, the Combar reference does not teach or suggest, in combination with the Sears reference, that the client (i.e. browser 20) transmits

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any cookie received from the web server (i.e. a web server 24) to the remote computer (i.e. dispatch server 26 or cookie jar server 28) for storage.

To support the rejection, the Examiner points to the portion of the Combar reference that teaches:

“The preferred embodiment further associates a given HTTPS request with a logical session which is initiated and tracked by a "cookie jar server" 28 to generate a "cookie" which is a unique server-generated key that is sent to the client along with each reply to a HTTPS request. The client holds the cookie and returns it to the server as part of each subsequent HTTPS request. As desired, either the Web servers 24, the cookie jar server 28 or the Dispatch Server 26, may maintain the "cookie jar" to map these keys to the associated session.” (col. 7, ln. 27-36; emphasis added)

This teaching is significantly different from claim 1 for at least three reasons.

First, the Combar reference fails to teach or suggest that the web client transmits the second cookie to the remote computer; in other words, to dispatch server 26 or cookie server 28. The web client 20 performs no transmission to servers 26,28. Instead, all transmissions are between the client 20 and one of the web servers 24 (as selected by HydraWeb 29, which is merely a switch for load balancing among the web servers 24; see Combar, col. 10, ln. 31-54). Web servers 24 are located in the DMZ region 17 between firewalls 25(a) and 25(b), while the dispatch server 26 and cookie server 28 are located within firewall 25(b) of the MCI Intranet region 30. “When a subscriber connects to the networkMCI Interact Web site by entering the appropriate URL, a secure TCP/IP communications link 22 is established to one of several Web servers 24 located inside a first firewall 25a in the DMZ 17” (Combar, col. 10, ln. 21-25; emphasis added). “It appears to any remote site, that the connection is really with the DMZ site”, rather than with any computer inside the firewall 25(b) on the MCI Intranet (Combar, col. 10, ln. 5-6). Thus it is the web server 24, not client 20, which would have to transmit any cookie received from the client 20 to the dispatch server 26 or cookie server 28. Figs. 2 and 5 of the Combar reference clearly illustrate that there is no connection between the web client 20 and server 26,28.

Second, the Combar reference fails to teach or suggest that the second cookie is transmitted to the remote computer for storage. Instead, the purpose of receiving the cookie

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from the client 20 in the Combar system is "to authenticate and verify the session information" (Combar, col. 36, ln. 26-27). The cookie is "the unique session key ... provided by the Web browser and used to uniquely identify the session at the browser" (Combar, col. 49-52). As further taught by the Combar reference:

"As mentioned herein with respect to FIG. 2, the messages created by the client Java software are transmitted to the StarWeb (DMZ) Server 24 over HTTPS. For incoming (client-to-server) communications, the DMZ Web servers 24 decrypt a request, authenticate and verify the session information. ... After establishing that the request has come from a valid user and mapping the request to its associated session, the request is then forwarded through the firewall 25 over a socket connection 23 to one or more decode/dispatch servers 26 located within the corporate Intranet 30. The messaging sent to the Dispatcher will include the user identifier and session information, the target proxy identifier, and the proxy specific data. The decode/dispatch server 26 authenticates the user's access to the desired middle-tier service." (col. 36, ln. 22-58; emphasis added)

Thus the cookie received by web server 24 from client 20 is not received to be stored on dispatch server 26 or cookie server 28. Although the Combar reference does not explicitly state so, presumably the cookie received from the client is analyzed to authenticate it, or perhaps compared in some manner to a copy of the cookie retained by the cookie server 28 which generated it initially (Combar, col. 7, ln. 28-30). The cookie received by web server 24 from client 20 is used to authenticate and verify the session, and is supplied by the client on each subsequent HTTPS request (Combar, col. 7, ln. 32-34).

Third, the Combar reference fails to teach or suggest that the web client transmits the second cookie in response to receiving the second cookie. Instead, the Combar reference teaches that "[t]he client holds the cookie and returns it to the server as part of each subsequent HTTPS request" (Combar, col. 7, ln. 31-34). Thus what the client does in response to receiving the second cookie is to hold it. The cookie is transmitted only if the client makes a subsequent HTTPS request; if no such request is made, the cookie is not transmitted. Such a conditional transmission cannot be construed as being "in response to" the receipt of the cookie by the client.

Accordingly, the references, taken alone or in combination, do not teach or suggest the combination of elements recited in Appellants' claim 1, nor in its dependent claims 3 and 5. Therefore, the Office has failed to establish a prima facie case of obviousness at least on these

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grounds, and the rejection is improper at least for this reason and should be overruled.

2. The cited reference does not teach or suggest all the limitations of Appellants' independent claim 21, for similar reasons as argued for independent claim 1.

Independent claim 21 includes the limitations of "in response to receiving the second cookie, the web client transmitting the second cookie to the remote computer for storage", similar to claim 1. Therefore, Appellants contend that the rejection of independent claim 21 should be overruled at least for the same reasons as explained heretofore for independent claim 1.

3. There is no articulated reason with some rational underpinning to combine reference teachings because the Sears reference teaches or suggests the features that the Examiner asserts it lacks.

In order to establish a *prima facie* case of obviousness, there must be an articulated reason with some rational underpinning that would have prompted a person of ordinary skill in the relevant field to combine the prior art elements in the manner claimed. *In Re Kahn*, 441 F.3d, 977, 988 (CA Fed. 2006). A patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art.

The Examiner states that the references can be combined together "to customize the requested web document accordingly with the user's information and maintain the user's cookie data in a separate location for added security and extended accessibility" (Final Office Action, p.6). Appellants believe that this reason lacks the rational underpinning required for validly combining the references, because there is no need to combine the references in order to customize the requested web document in the manner stated by the Examiner. This capability is already provided by the cookies disclosed in the Sears reference. Nor is any need to combine the references in order to maintain the user's cookie data in a separate location. The Sears reference already teaches this in cookie server 310, and does not need the teachings of the Combar reference to provide such a capability.

The Examiner further justifies the rationale by stating that "This rationale can be

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found in Combar et al's disclosure which teaches using a separate cookie jar server for 'adding an additional level of security'" (Final Office Action, p.3). Thus the Examiner apparently considers a reason to have sufficient rational underpinning merely because it is recited in the secondary reference to be combined, regardless of whether such features actually improve upon or benefit the primary reference with which it is to be combined. Appellants contend that such a reason lacks the required rational underpinning.

Therefore, the reason provided by the Examiner for combining the teachings of the Sears and Combar references lacks the rational underpinning required for validly combining these references. Consequently, this rationale impermissibly uses the Appellants' disclosure as a blueprint or in hindsight for the rejection. Because the Examiner has not provided an articulated reason with some rational underpinning to combine the prior art elements in the manner claimed, the Examiner has failed to establish a *prima facie* case of obviousness and the rejection under 103(a) should be overruled at least for this reason.

B. Claims 6, 8-11, and 22 were improperly rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. patent 6,539,424 to Dutta ("Dutta") in view of U.S. patent 6,748,420 to Quatrano et al. ("Quatrano").

Appellants contend that claims 6, 8-11, and 22 were improperly rejected because (1) the applied references, alone or in combination, do not teach or suggest all of Appellants' claim limitations; and (2) there is no articulated reason with some rational underpinning to modify or combine reference teachings. Such could be possible only in hindsight and in light of Appellants' teachings.

1. The cited references, alone or in combination, do not teach or suggest all the limitations of Appellants' independent claim 6 in that the features of means for receiving at the computing device, from a first web client, a first cookie that is valid for a first range of URL's, the first cookie provided to the first web client by a web server, and means for receiving at the

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computing device a first request for a cookie that is valid for a first URL from a second web client, are absent from the references.

Independent claim 6 recites:

“6. (Previously presented) A computing device, comprising:
means for receiving at the computing device, from a first web client, a first cookie that is valid for a first range of URL's, the first cookie provided to the first web client by a web server;
means for receiving at the computing device a first request for a cookie that is valid for a first URL from a second web client different from the first web client; and
means for responding to the first request by transmitting the first cookie from the computing device to the second web client if the first URL is within the first range of URL's, the second web client adapted to transmit the first cookie to the web server, wherein the computing device is different from the first and second web clients and the web server.”
(emphasis added)

With regard to the limitations of “means for receiving at the computing device, from a first web client, a first cookie that is valid for a first range of URL's, the first cookie provided to the first web client by a web server”, the Examiner states that the Dutta reference teaches that “server-side cookie storage receives cookie from client wherein the cookie was provided to the client by a content producer web server” at col. 4, ln. 29-56 (Final Office Action, p.8).

Appellants disagree.

These claim limitations recite the interaction of three devices involved in the first cookie transfer: a computing device (e.g. cookie store), a web client, and a web server. The web server provides the first cookie to the first web client. The first web client then provides the first cookie to the computing device, which receives it. The Dutta reference, conversely, fails to disclose such structural and functional features. More specifically, in the Dutta reference the same element – content producer web server 101 (Fig. 1) – that provides the cookie to web client 103 also receives the cookie from web client 103. This is contrary to the limitations of claim 6. It is noted that the Dutta reference fails to disclose these limitations regardless of whether a so-called “client-side cookie” (Fig. 2A) or a “server-side cookie” (Fig. 2B) of Dutta is employed. In either case, content producer web server 101 both provides the cookie to web client 103, and also receives the cookie from web client 103.

The Examiner does not assert that the Quatrano reference teaches or suggests such

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limitations, and Appellants contend that the Quatrano reference fails to teach or suggest these limitations, alone or in combination with the Dutta reference. More particularly, in the Quatrano reference, the client (i.e. participant 10,20, Fig. 3) communicates only with web server 30, not with any different element that might, arguendo, be considered a computing device.

With regard to the limitations of “means for receiving at the computing device a first request for a cookie that is valid for a first URL”, the Examiner states that the Dutta reference teaches that a “client request cookie associated with a selected URL from the server-side cookie storage” at col. 5, ln. 56-66 (Final Office Action, p.8). Appellants disagree.

In the Dutta reference, the client makes no request for a cookie. Instead, what the client requests is a web page:

“As shown in FIG. 4, the method begins when a user clicks on, i.e., performs an HTTP GET on, <http://www.producer.com/Jaws.html>, step 401, a deep hyperlink within the Web pages of producer.com. The user may be clicking on this deep hyperlink from within a Web page of a content aggregator, or entering the URI directly into a browser, or by other means. The server for producer.com determines if the request has a cookie that reflects permission for Jaws.html, step 402. If it does have a cookie, e.g., as shown in FIG. 5B or 5D with permission for Jaws.html 522, then the server sends Jaws.html to the user, step 403.” (Dutta, col. 5, ln. 39-49)

Thus the web page requested by the client, as described by the Dutta reference, is “<http://www.producer.com/Jaws.html>”. The content producer web server 101 may also provide a cookie to the client along with the requested web page (see Dutta, col. 5, ln. 66) – but the server 101 does so on its own volition, because the client does not request any cookie.

In Appellants’ claim 6, conversely, it is a cookie valid for a first URL that is requested, and not the web page that corresponds to the first URL. The difference can be appreciated by referring to Appellants’ Figs. 5 and 8, and specification at p.11, ln. 16-27:

“Next, it is assumed that a second user provides input, that defines URL “B”, to the second WEB client 414 (eighth transaction 816). In response, the second WEB client 414 operates to transmit a cookie_request for any unexpired cookies that are valid for “URL B” (ninth transaction 818) to the cookie store 416. In response, the cookie store 416 identifies and retrieves Cookie “A” from the memory 452 (tenth transaction 819). The cookie Store 416 then transmits a cookie_response to the second WEB Client 414 (eleventh transaction 820).

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The response includes "Cookie A". After receiving the response, the second WEB client 414 operates to transmit both an appropriate http request for file B and "Cookie "A" to the appropriate WEB Server (twelfth transaction 822). The WEB server responds by transmitting file "B" (last transaction 824)."

Thus, the computing device (e.g. cookie store 416) receives the cookie_request from second web client 414, retrieves the cookie from its memory 452, and transmits a cookie_response that includes the requested cookie to the second web client 414. Once the second client 414 has the cookie, it accompanies an http request to e.g. web server 470 for a desired file. In response, web server 470 transmits the requested file to second web client 414.

Furthermore, as discussed heretofore, the request of the Dutta reference is not received by a computing device different from a web server, as recited in claim 6, but by the same content producer web server 101 that also provides the cookie to the client.

The Examiner does not assert that the Quatrano reference teaches or suggests such limitations, and Appellants contend that the Quatrano reference fails to teach or suggest these limitations, alone or in combination with the Dutta reference. More particularly, in the Quatrano reference, the client (i.e. participant 10,20, Fig. 3) makes no cookie request. Instead, participants may make an http request to create a shared session (Fig. 4, step 400) or request to join an existing shared session (Fig. 5, step 421). In both instances, a web page is returned in response to the request (steps 408, 428). To whatever extent, if any, arguendo, that a cookie may be returned to the participant along with the web page to facilitate participation in a shared session, the client (i.e. participant) makes no request for the cookie.

Accordingly, the references, taken alone or in combination, do not teach or suggest the combination of elements recited in Appellants' claim 6, nor in its dependent claims 8-11. Therefore, the Office has failed to establish a *prima facie* case of obviousness at least on these grounds, and the rejection is improper at least for this reason and should be overruled.

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2. The cited reference does not teach or suggest all the limitations of Appellants' independent claim 22, for similar reasons as argued for independent claim 6.

Independent claim 22 includes the limitations of "receiving at the computing device, from a first web client, a first cookie that is valid for a first range of URL's, the first cookie provided to the first web client by a web server" and "receiving at the computing device a first request for a cookie that is valid for a first URL from a second web client", similar to claim 6. Therefore, Appellants contend that the rejection of independent claim 22 should be overruled at least for the same reasons as explained heretofore for independent claim 6.

3. There is no articulated reason with some rational underpinning to modify or combine reference teachings as suggested by the Examiner because the content producer reference of the Dutta reference would not desire to provide shared access to a web site, and because the combination would render the Dutta reference inoperative for its intended purpose.

The Examiner states that the Dutta and Quatrano references can be combined together in order "to provide shared access for a website to multiple users, by permitting the sharing of cookies from one client to another without compromising the privacy of each client's information" (Final Office Action, p.9). Appellants disagree. The Dutta reference is directed to restricting a client from deep hyperlinking to a content producer's web site, by instead rerouting such request to the content producer's home page and requiring the client to view items such as one or more advertisements on certain pages before obtaining the desired content (Abstract; col. 3, ln. 18-21). If shared access were provided to the web site for multiple users, then once a single one of the users viewed the advertisements, all the other shared users would be able to obtain the content directly without viewing the advertisements. Thus, not only is the alleged reason not rational, but in addition the combination renders the Dutta reference inoperative for its intended purpose of restricting deep hyperlinking. Put another way, the Dutta reference teaches away from the combination suggested by the Examiner because it would be rendered inoperative.

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Therefore, the reason provided by the Examiner for combining the teachings of the Dutta and Quatrano references lacks the rational underpinning required for validly combining these references. Consequently, this rationale impermissibly uses the Appellants' disclosure as a blueprint or in hindsight for the rejection. Because the Examiner has not provided an articulated reason with some rational underpinning to combine the prior art elements in the manner claimed, the Examiner has failed to establish a *prima facie* case of obviousness and the rejection under 103(a) should be overruled at least for this reason.

C. Claims 15, 17, and 23 were improperly rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. patent 6,748,420 to Quatrano et al. (“Quatrano”) in view of U.S. patent 7,058,600 to Combar et al. (“Combar”).

Appellants contend that claims 15, 17, and 23 were improperly rejected because (1) the applied references, alone or in combination, do not teach or suggest all of Appellants' claim limitations; and (2) there is no articulated reason with some rational underpinning to modify or combine reference teachings. Such could be possible only in hindsight and in light of Appellants' teachings.

1. The cited references, alone or in combination, do not teach or suggest all the limitations of Appellants' independent claim 15 in that the limitations of a client being operable to receive a cookie from a web server and automatically transmit the cookie to a remote computer, and the remote computer being operable to receive the cookie from the web client and then to store the cookie, are absent from the references.

Independent claim 15 recites:

“15. (Previously presented) A system comprising:
a first web client;
a second web client; and
a computer remote from the first web client and the second web client;
wherein the first web client is operable to: receive a first resource and a first cookie from a first web server and configured to automatically respond thereto by processing the first

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resource and transmitting the first cookie to a remote computer; and receive a URL from a user and is responsive thereto by first transmitting a request to the remote computer for a cookie that is valid for the URL; and

wherein the second web client is operable to receive a second resource and a second cookie from a second web server and configured to automatically respond thereto by processing the second resource and transmitting the second cookie to the remote computer; and

wherein the remote computer is operable to receive the first cookie from the first web client and to then store the first cookie; and

wherein the remote computer is operable to receive the second cookie from the second web client and to then store the second cookie; and

wherein the remote computer is operable to receive the request from the first web client and is responsive thereto by: (a) transmitting the stored first cookie to the first web client if the stored first cookie is valid for the URL; and (b) transmitting the stored second cookie to the first web client if the stored second cookie is valid for the URL.” (emphasis added)

As a preliminary matter, although the Examiner states that the Quatrano reference discloses the first and second web clients, remote computer, first and second web servers, and first and second cookies of claim 15, the Office does not identify which elements of the Quatrano reference allegedly correspond to each of them (Final Office Action, p.6-7). Nor does the Examiner identify which elements of Combar allegedly correspond to these separate elements. This lack of specificity makes it difficult for Appellants to know precisely how to respond. 37 CFR §1.104(c)(2) requires that the features in the references that allegedly correspond to the limitations of the claims be pointed out with specificity. This section states that “[w]hen a reference is complex or shows or describes other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable”. Appellants requested clarification of the rejection with respect to the specific elements of the Combar reference pursuant to 37 CFR §1.104(c)(2) in the previous Office Action response filed on 04/03/2009, but the Examiner failed to provide the requested identification in the Final Office Action from which this Appeal is taken.

In the absence of an identification by the Examiner, Appellants consider participants 10,20 of the Quatrano reference to correspond to the first and second web client of claim 15. Appellants consider web server 30-1 of the Quatrano reference (Fig. 8) to correspond to the first web server of claim 15, and web server 30-P to correspond to the second web server.

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Appellants further consider application server 50 of the Quatrano reference as corresponding to the remote computer recited in claim 15.

With regard to the limitations of the first/second web clients being operable to receive a first/second cookie from a web server and automatically transmit the first/second cookie to a remote computer, the Examiner alleges that the Quatrano reference discloses this at col. 7, ln. 7-60; col. 9, ln. 1-28; col. 14, ln. 19-55; and col. 15, ln. 27-42 (Final Office Action, p.6-7). Appellants disagree. There is no teaching or suggestion in the Quatrano reference that participants 10,20 receive a cookie, such as shared session cookie 207-A, from web server 30 and then automatically transmit that cookie to application server 50. Such a teaching or suggestion is absent for several reasons:

First, such operation makes no sense. Web server 30, which sits between participants 10,20 and application server 50, already has the cookie and could transfer it directly to application server 50 if so required.

Second, participants 10,20 have no communication path to application server 50; they can send information only to web server 30. While cookies such as shared session cookie 207-A may, arguendo, be sent by collaboration adapter 200 from web server 30 to participants (i.e. clients) 10,20 as suggested in Figs. 3,6, there is no teaching or suggestion that participants 10,20 send those cookies to another computing device different from the web client and web server (i.e. to application server 50) for storage. In this regard, Figs. 3, 6, and 7-10 all fail to show any directed communications paths (e.g. connectors with arrows indicating direction of data flow) by which participants 10,20 could send any information to any computing device other than to web server 30.

Third, the Quatrano reference does not teach or suggest that the web client (i.e. participant 10,20) responds to the receipt, from a web server 30, of a resource and a cookie by automatically transmitting the cookie to any remote computer. Instead, it appears that, at most, the cookie may be transmitted by the web client 10,20 to the web server 30 in response to a user of web client 10,20 manually interacting with the shared session at a subsequent time.

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In response to these arguments, the Examiner stated that “a participant makes an HTTP request from the participants browser, and a shared session is initiated wherein a cookie is generated by an application server and sent with the resource to the participant” (Final Office Action, p.4). To whatever extent, if any, arguendo, that such is true, it is not pertinent to the claim limitation at issue, in which the client (i.e. participant 10,20) automatically transmits the cookie to a remote computer (i.e. application server 50, different from the web server 30).

In addition, the Examiner does not assert that the Combar reference teaches or suggests any of these limitations, and Appellants contend that the Combar reference fails to teach or suggest any of these limitations, alone or in combination with the Quatrano reference.

With regard to the limitation of the remote computer being operable to receive the first and second cookie from the first and second web client respectively and then to store the first and second cookie, the Examiner admits the Quatrano reference does not teach this, but states that the Combar reference teaches that “the client includes the cookie in the request for content to the server and transmitting the newly generated, unique cookie to a web server, dispatch server or separate cookie jar server for storage” (Final Office Action, p.7).

Appellants disagree. The Combar reference fails to teach or suggest this limitation for similar reasons as explained heretofore in detail with reference to claim 1. More particularly, the Combar reference fails to teach or suggest that the remote computer (i.e. dispatch server 26 or cookie server 28) receives any cookies from a web client (i.e. client 20), and that the servers 26,28 store any such received cookies.

Accordingly, the references, taken alone or in combination, do not teach or suggest the combination of elements recited in Appellants’ claim 15, nor in its dependent claim 17. Therefore, the Office has failed to establish a *prima facie* case of obviousness at least on these grounds, and the rejection is improper at least for this reason and should be overruled.

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2. The cited reference does not teach or suggest all the limitations of Appellants' independent claim 23, for similar reasons as argued for independent claim 15.

Independent claim 23 includes the limitations of first and second web clients being operable to receive a first and second cookie respectively from a web server and automatically transmit the first and second cookie to a remote computer, and the remote computer being operable to receive the first and second cookie from the first and second web client respectively and then to store the first and second cookie, similar to claim 15. Therefore, Appellants contend that the rejection of independent claim 23 should be overruled at least for the same reasons as explained heretofore for independent claim 15.

3. There is no articulated reason with some rational underpinning to combine reference teachings because the Quatrano reference teaches or suggests the features that the Examiner asserts it lacks.

The Examiner states that the references can be combined together "to customize the requested web document accordingly with the user's information and maintain the user's cookie data in a separate location for added security and extended accessibility" (Final Office Action, p.7). Appellants believe that this reason lacks the rational underpinning required for validly combining the references, because there is no need to combine the references in order to customize the requested web document in the manner stated by the Examiner. This capability is already provided by the cookies disclosed in the Quatrano reference.

Therefore, the reason provided by the Examiner for combining the teachings of the Quatrano and Combar references lacks the rational underpinning required for validly combining these references. Consequently, this rationale impermissibly uses the Appellants' disclosure as a blueprint or in hindsight for the rejection. Because the Examiner has not provided an articulated reason with some rational underpinning to combine the prior art elements in the manner claimed, the Examiner has failed to establish a *prima facie* case of obviousness and the rejection under 103(a) should be overruled at least for this reason.

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D. Claims 18-20 were improperly rejected under 35 U.S.C. §103(a), as being unpatentable over U.S. patent 6,748,420 to Quatrano et al. (“Quatrano”) in view of U.S. patent 7,058,600 to Combar et al. (“Combar”), and further in view of U.S. patent 6,813,039 to Silverbrook et al. (“Silverbrook”).

1. The rejection of dependent claims 18-20 is improper for the same reasons that render the rejection of their base claim 15 improper.

“A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.” (35 U.S.C. §112, paragraph 4.) “Dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious.” *In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988).

Claims 18-20 depend from base claim 15, which was rejected under 35 U.S.C. 103(a) based on the Quatrano and Combar references in combination. Appellants have argued heretofore the reasons why the rejection of base claim 15 is improper. Because the rejection of base claim 15 is improper, the rejection of dependent claims 18-20 is also improper for at least the same reasons.

VIII. CONCLUSION

Appellants contend that claims 1, 3, 5-6, 8-11, 15, and 17-23 were improperly rejected because the applied references, alone or in combination, do not teach or suggest all of Appellants’ claim limitations, there is no articulated reason with some rational underpinning to modify or combine reference teachings, impermissible hindsight is used to combine or modify the references, one or more of the references teach away from the combination, and/or there is no reasonable expectation of success in combining the references.

Each of these reasons alone distinguishes Appellants’ claims from the cited references and makes Appellants’ claims non-obvious in light of the cited references.

Overruling of the Examiner’s rejections of claims 1, 3, 5-6, 8-11, 15, and 17-23 is respectfully requested.

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**AUTHORIZATION TO PAY AND PETITION
FOR THE ACCEPTANCE OF ANY NECESSARY FEES**

If any charges or fees must be paid in connection with the foregoing communication (including but not limited to the payment of an extension fee or issue fees), or if any overpayment is to be refunded in connection with the above-identified application, any such charges or fees, or any such overpayment, may be respectively paid out of, or into, the Deposit Account No. 08-2025 of Hewlett-Packard Company. If any such payment also requires Petition or Extension Request, please construe this authorization to pay as the necessary Petition or Request which is required to accompany the payment.

Respectfully submitted,

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IX. CLAIMS APPENDIX

1. A method of requesting a resource having a URL from a web server, comprising:
 - a web client receiving input from a user defining the URL;
 - in response to receiving the user input, the web client automatically transmitting a first request to a remote computer for a cookie that is valid for the URL; then
 - the web client receiving a first cookie from the remote computer;
 - the web client transmitting both the first cookie and a request for the resource to the web server;
 - the web client receiving the resource and a second cookie from the web server; and
 - in response to receiving the second cookie, the web client transmitting the second cookie to the remote computer for storage.
3. The method of claim 1, wherein the first request transmitting step is performed by transmitting the first request over a network to the remote computer.
5. The method of claim 3, wherein the network comprises the INTERNET.
6. A computing device, comprising:
 - means for receiving at the computing device, from a first web client, a first cookie that is valid for a first range of URL's, the first cookie provided to the first web client by a web server;
 - means for receiving at the computing device a first request for a cookie that is valid for a first URL from a second web client different from the first web client; and
 - means for responding to the first request by transmitting the first cookie from the computing device to the second web client if the first URL is within the first range of URL's, the second web client adapted to transmit the first cookie to the web server, wherein the computing device is different from the first and second web clients and the web server.

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8. The computing device of claim 6, wherein the first cookie receiving means is configured to receive the first cookie from the first web client over a network; and wherein the first request responding means is configured to transmit the first cookie to the second web client over the network.

9. The computing device of claim 8, further comprising:
means for receiving a second cookie that is valid for a second range of URL's from the second web client;
means for receiving a second request that defines a second URL from the first web client; and
means for responding to the second request by transmitting the second cookie to the first web client if the second URL is within the second range of URL's.

10. The computing device of claim 9, further comprising:
means for further responding to the second request by transmitting the first cookie to the first web client if the second URL is within the first range of URL's.

11. The computing device of claim 10, wherein the network comprises the INTERNET.

15. A system comprising:
a first web client;
a second web client; and
a computer remote from the first web client and the second web client;
wherein the first web client is operable to: receive a first resource and a first cookie from a first web server and configured to automatically respond thereto by processing the first resource and transmitting the first cookie to a remote computer; and receive a URL from a user and is responsive thereto by first transmitting a request to the remote computer for a

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cookie that is valid for the URL; and

wherein the second web client is operable to receive a second resource and a second cookie from a second web server and configured to automatically respond thereto by processing the second resource and transmitting the second cookie to the remote computer; and

wherein the remote computer is operable to receive the first cookie from the first web client and to then store the first cookie; and

wherein the remote computer is operable to receive the second cookie from the second web client and to then store the second cookie; and

wherein the remote computer is operable to receive the request from the first web client and is responsive thereto by: (a) transmitting the stored first cookie to the first web client if the stored first cookie is valid for the URL; and (b) transmitting the stored second cookie to the first web client if the stored second cookie is valid for the URL.

17. The system of claim 15, further comprising:

a monitoring device operable to monitor a first device to detect when the device generates a pre-defined signal and to respond thereto by generating a notification that the signal was generated; and

wherein the first web client and the second web client are operable by a user to retrieve the notification.

18. The system of claim 17, wherein the first device is a printer.

19. The system of 18, further comprising:

the printer; and

wherein the printer includes a replaceable consumable cartridge; and

wherein the printer is operable to generate the signal when a consumable in the cartridge moves below a pre-determined level.

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20. The system of claim 19, wherein the printer is a laser printer.

21. A computer readable medium having programming thereon for performing a method comprising:

- a web client receiving input from a user defining the URL;
- in response to receiving the user input, the web client automatically transmitting a first request to a remote computer for a cookie that is valid for the URL; then
 - the web client receiving a first cookie from the remote computer;
 - the web client transmitting both the first cookie and a request for the resource to the web server;
 - the web client receiving the resource and a second cookie from the web server; and
 - in response to receiving the second cookie, the web client transmitting the second cookie to the remote computer for storage.

22. A computer readable medium having programming thereon for performing a method comprising:

- receiving at the computing device, from a first web client, a first cookie that is valid for a first range of URL's, the first cookie provided to the first web client by a web server;
- receiving at the computing device a first request for a cookie that is valid for a first URL from a second web client; and
- responding to the first request by transmitting the first cookie from the computing device to the second web client if the first URL is within the first range of URL's, the second web client adapted to transmit the first cookie to the web server, wherein the computing device is different from the first and second web clients and the web server.

23. A computer readable medium having programming thereon for:

- making a first web client operable to: receive a first resource and a first cookie from a first web server and configured to automatically respond thereto by processing the first resource and transmitting the first cookie to a remote computer; and receive a URL from a

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user and is responsive thereto by first transmitting a request to the remote computer for a cookie that is valid for the URL; and

making a second web client operable to receive a second resource and a second cookie from a second web server and configured to automatically respond thereto by processing the second resource and transmitting the second cookie to the remote computer; and

making a computer remote from the first web client and the second web client operable to: receive the first cookie from the first web client and to then store the first cookie; receive the second cookie from the second web client and to then store the second cookie; and receive the request from the first web client and is responsive thereto by: (a) transmitting the stored first cookie to the first web client if the stored first cookie is valid for the URL; and (b) transmitting the stored second cookie to the first web client if the stored second cookie is valid for the URL.

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X. EVIDENCE APPENDIX

None

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XI. RELATED PROCEEDINGS APPENDIX

None

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